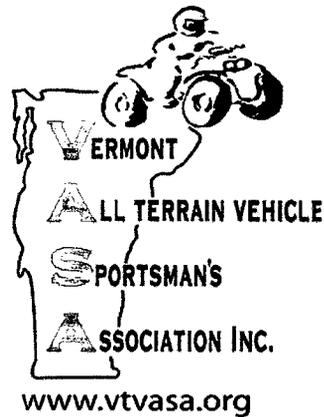


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Catherine Gjessing, Esq., General Counsel
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October 15, 2015

Re: Proposed ATV Rule & Stockbridge Connector Trail

Dear Attorney Gjessing:

The Vermont ATV Sportsman's Association (VASA) commends the Department of Fish & Wildlife for proposing a rule for designating ATV state lands connector trails that link up private or town land trails that dead end when they come up against state land. VASA also commends the department for proposing designation of a .4 tenths of a mile connector trail in Stockbridge as the first state lands connector trail.

The proposed Rule seems comprehensive and detailed, and is, indeed, rigorous. It includes a complete examination of all aspects of trail creation, management and use. Besides the content of any rule, the other key test of an agency is whether they fairly apply the Rule. In this case, the bar has been set high, but the Rule appears to have been fairly applied. Organizations and individuals who don't want to share any state land with ATVers may want an unreasonable Rule or unfairly applied Rule, but, so far, that isn't what has happened here.

This trail is in a highly suitable location on an old logging road that creates an entire loop in the extensive VASA-Central Vermont Quad Runners trail system in the Bethel-Stockbridge area. Motorized recreational trail systems make for substantially more rewarding rider experience when dead ends are interconnected to provide trail continuity. That is exactly what the proposed trail accomplishes.

VASA has been maintaining and stewarding ATV trails for more than 15 years and has built up an 800 mile trail system. While VASA is proud of this accomplishment, VASA's continuing challenge will be to increase this mileage so that there is reasonable rider access in more parts of the state and more variety available in places like Stockbridge where a long-time trail system of over 50 miles exists. Part of encouraging safe and responsible ATV riding is to include abundant legal opportunity. VASA's mission also includes trail stewardship, rider safety and responsibility, rider and public education re: the benefits of managed ATVing, law enforcement, insurance, working with other user groups and local and state government entities, and making civic and charitable contributions.

The Central Vermont Quad Runners (CVQR), the local club jointly responsible for the Bethel-Stockbridge area trail system along with VASA, has been in existence nearly as long as VASA. As demonstrated by the Public Hearing held in Bethel, the CVQR club has earned a lot of respect

and appreciation from the local communities in the Stockbridge area and community leaders. Out of approximately 50 people at the Bethel Public Hearing, there was no spoken opposition to the proposed Rule. Out of the 30 people at the Montpelier Public Hearing, there was very little opposition. The VASA-CVQR trail system includes many landowners who grant permission for their portion of the VASA-CVQR trail system to continue year after year. If VASA-CVQR did a poor job of stewarding this trail system, landowners would not be granting permission for continuation of the trail system year after year.

There are over 450 square miles of state land spread all over Vermont. This ATV connector trail will take only a tiny sliver of the overall state land base. There is plenty of room for people who desire a quiet experience on state land to still enjoy that. Anyone who spends a lot of time in the woods realizes this.

While the Stockbridge connector trail will be the first state lands connector trail, if approved, Vermont statutes have set forth a policy since 1983 when the ATV statutes were created at 23 Vermont Statutes Annotated 3501 et al. that includes a procedure for ATV state lands access. The ATV statutes were supplemented by the Vermont Trails Systems statutes in 1993 at 10 VSA 441 et al.

The Vermont Trails Systems statutes include ATV trails in the definition of trails. See, 10 VSA 442(3).

10 VSA 441(b) states:

“It is the intent of the legislature that trails be established within and without boundaries of state parks and forests and, when feasible, to interconnect units of the state park and forest system as well as such federal and municipal lands as may be appropriate.”

10 VSA 441(c) states:

“The development, operation, and maintenance of the Vermont trails system is declared to be a public purpose, and in this context, the agency of natural resources together with other government agencies is authorized to spend public funds for such purposes...”

Pursuant to 10 VSA 443, VASA’s Vermont ATV Trail System has been officially designated as part of the Vermont Trails System by the Agency of Natural Resources. As a further indication of the respect ATVing and VASA have acquired over the years, VASA Executive Director Danny Hale was elected to serve as President of the Vermont Trails and Greenways Council by his peers in Vermont’s trail community. VASA Operations Director Dani Cady has also served as an officer of the Vermont Trails & Greenways Council.

The periodically updated Vermont Statewide Comprehensive Outdoor Recreation Plan (SCORP) has stated that ATVing should be expanded ever since 1988.

The 1999-2008 Vermont Forest Resources Plan also recognized the need and demand for motorized recreation opportunities. The plan objectives included developing partnerships with user groups to meet public demands on state lands, designing a process for developing a regional trail plan for all user types and designating trail, where appropriate.

The 1992 and the 1997 Vermont Resident Surveys on recreation found that nearly 30 percent of Vermonters supported motorized recreation on state lands. The 2002 survey of residents found that 67 percent supported motorized recreation on public lands. These results were consistent with the 2003 National Survey on Recreation and the Environment, which showed a 33.7 percent increase in motorized recreation and that one in six Vermonters participated at some level.

The 1998 updated SCORP again recognized the increased need for ATV trails on public lands.

The 2005-2009 updated SCORP calls for increased motorized recreation opportunities. The Plan concludes that trails need to go somewhere to provide meaningful experiences, and that better coordination in the development of Vermont's overall trail system could significantly reduce illegal trespass by the minority of ATV riders. The 2013 updated SCORP also underscored the importance of ATVing to thousands of Vermonters and continued to recognize ATVing as a legitimate recreational pursuit.

The 2008 Commission on the Future of Vermont State Parks reviewed the recreational interests of Vermonters and its visitors. The commission called for expanding motorized recreation, mountain biking and horseback riding opportunities.

The Proposed Rule is consistent with the state statutes and policies described above.

In closing, the entire VASA organization including staff and a statewide network of volunteers have worked tirelessly for over 15 years to fulfill all aspects of VASA's mission. As folks have gotten to know the work of VASA and the 18 local clubs, and have gotten to know their friends and neighbors who are ATV riders, they have come to realize that the predominant ATV profile is not young renegades. Rather, VASA members are predominantly hard working Vermont families, many of whom can only enjoy Vermont's off-road countryside in the warm weather months from an ATV due to age or physical infirmities. Managed ATVing has substantially grown in respectability over the course of these 15-plus years. VASA and managed ATVing have proven to be the recipe for responsible ATVing rather than the problem.

Given the track record of VASA and its members and the ample legal and policy basis for state lands ATV connector trails, the department should be commended for recognizing that properly cited ATV connector trails deserve a chance to succeed on state land.

Sincerely,



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